



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Variance

Anthony Campbell & Nora Cross/Map 258, Lot 7

August 3, 2011

**Applicant: Anthony Campbell & Nora Cross
1 Goodspeed Island Road
Mattapoisett, MA 02739**

Location: 75 Norway Point Road, Moultonborough, NH (Tax Map 258, Lot 7)

On July 20, 2011 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Anthony Campbell & Nora Cross (hereinafter referred to as the "Applicant" and/or "Owner") for a variance from Article III (B)(4) to allow for the removal, replacement and expansion of an existing non-conforming structure located within the lake setback (30.5' \pm from the reference line) on the parcel located in the Residential Agricultural (RA) Zoning District.

Based on the application, testimony given at the hearings, and additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located on Norway Point Road (Tax Map 258, Lot 7).
- 2) The applicants are the owners of record for the lot.
- 3) The applicants were represented at the Public Hearing by David Krause of T.F. Bernier, Inc.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District.
- 5) The existing structure is located entirely within the fifty (50) foot lake setback.
- 6) The proposed structure will not be closer than the current minimum distance between the reference line and the existing dwelling (30.5') which was approved by NH DES CSPA for a previous purchaser. This applicant has a slightly different footprint design and has applied to the State of NH DES for an amended Shoreland Permit.
- 7) The existing structure is a single story structure. The proposed structure will be a two story structure that will meet the required height limitation of 32' as required by the ordinance.

- 8) No members of the public wished to speak on the application.
- 9) Granting the Variance will not be contrary to the public interest as the current house is a pre-existing, non-conforming structure, the replacement of the existing structure with a newer structure would not be contrary to the public interest.
- 10) Granting the Variance is consistent with the spirit of the Ordinance as a new state approved septic system will be constructed further away from the lake than the current system and leaching basins will be added on site to treat storm water runoff.
- 11) By granting the Variance, substantial justice is done by enabling the property owners to replace the existing structure with one that would be more suit their needs. The 50' setback restricts the building to an extremely small area, since the lake setback encroaches onto the building site from all four sides, due to the configuration of the lot (point).
- 12) Granting the Variance does not diminish the value of surrounding properties as there will be no increase in dwelling density & water quality should be enhanced due to the installation of a new state approved septic system.
- 13) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as the property is located on a point and the 50' waterfront setback encroaches into the building setback on four sides instead of just one or two as may normally be associated with a waterfront setback.
- 14) The Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Heal, Nolin, Zewski, Crowe), and none (0) opposed, to continue the Public Hearing to August 3, 2011, and to direct Staff to draft a Notice of Decision to Grant the Variance, to be reviewed by the Board at the August 3, 2011 Regular Meeting.

The Board of Adjustment continued the Public Hearing to August 3, 2011. The Board of Adjustment closed the public portion of the hearing on July 20, 2011. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of five (5) in favor (Stephens, Hopkins, Nolin, Zewski, Crowe), and none (0) opposed, to **GRANT** the request for a Variance.

- 1) The applicant must submit an amended approval from the NHDES for the proposed project prior to issuance of a Building Permit for the site.

This decision shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.

Robert H. Stephens
Chairman, Zoning Board of Adjustment

Date _____